Hearing Examiner's Report
SE16-1763
1800 Bench Road
Highland High School

DATE:	August 25, 2016
APPLICANT/OWNER NAME:	Highland High School/Tony Golsarry of Blaze Sign
MAILING ADDRESS:	525 W. Maple Street, Pocatello, ID 83201
LOCATION OF REQUEST:	1800 Bench Road, Pocatello, Idaho
LEGAL DESCRIPTION:	NA
TYPE OF REQUEST:	Sign Exemption

I. REQUEST

Highland High School, represented by Tony Golsarry of Blaze Sign (mailing address: 525 W. Maple Street, Pocatello, ID 83201), requests a sign exception to install a new sign at the corner of Bench Road and Fairway Drive. The new sign is proposed to be 20.5 feet tall, 57 square feet and will include an electronic reader board. The school is located within a Residential Commercial Professional zoning district which allows one 32 square foot sign, with a reader board not larger than 50% of that signage, and is 6 feet tall per street frontage.

FINDINGS OF FACT

1. The Hearing Examiner stated that there was no ex-parte communication regarding this request.

2. The Hearing Examiner disclosed that he visited the site prior to the Public Hearing to observe the physical character and relationships to the subject property.

3. Staff Analysis: Terri Neu, Assistant Planner, presented the staff report.

- The subject site is located at 1800 Bench Road.
- The requested sign is proposed to be placed on the corner of Bench Road and Fairway Drive.
- The frontage along Bench Road is approximately 1,200 feet and the frontage along Fairway Drive is approximately 1,000 feet.
- The applicant is allowed a wall sign and a monument sign up to 32 square feet each with the monument sign not being taller than 6 feet tall.
- The applicant is allowed a reader board that cannot be larger than 50% of this sign face.
- The proposed pole sign is 20.5 feet tall with 57 square feet of signage.
- Municipal Code Section 15.20.180 governs signs in Residential Commercial Professional zoning districts and Municipal Code Sections 15.20.250 and 15.20.260 outlines the requirements for sign exceptions.

4. Public Input.

   - Notice of this application was mailed to adjoining property owners and tenants on August 9, 2016.

   - One letter of support was received dated August 12, 2016 from Lyle and Jo Ann Bugbee.

5. Comments from the Public

   - Public Hearing: A noticed Public Hearing on this request was conducted on August 25, 2016 in the City Council Chambers.

   - The Public Hearing was opened at approximately 5:37 PM.

   - No comments were received.

   - Correspondence from the Public.

     - No additional written correspondence was received from the Public.

     - The Public Hearing was closed at approximately 5:38 PM.

6. Hearing Examiner noted that the written decision would be available to the public by noon on August 30, 2016. If the applicant and/or other affected persons (according to the provisions of Idaho Code Section 67-6521) do not agree with the decision of the Hearing Examiner, they have ten (10) days from the date of the Hearing Examiner decision to appeal in writing to the City Council. At that time, additional fees may be

required and a new timeline may be established for the City Council consideration of the appeal.

II. MUNICIPAL CODE/COMPREHENSIVE PLAN APPLICABLE TO ISSUANCE OF A SIGN EXEMPTION, HEARING EXAMINER FINDINGS.

MUNICIPAL CODE/COMPREHENSIVE PLAN - Municipal Code Section 15.20.180 regulates signs permitted in Residential Commercial Professional zoning districts.

Municipal Code Sections 15.20.250 and 15.20.260 regulate sign exceptions.

The following Comprehensive Plan goal(s) and objective(s) are applicable to this application:

Community Design Goal 1. Improve the physical image of the city.
Objective 1.2. Regulate the use of signs to enhance public safety and aesthetic character.

III. SIGN EXEMPTION FINDINGS

Findings regarding compliance with standards for a Sign Exception (Section 15.20.260) are listed below:

A. An exception sought should be the result of unique physical characteristics of the site in question.

Highland High School's property is not unique in the fact that it is relatively flat. However, when the school was built, the area was predominantly undeveloped and Bench Road was a main thoroughfare. With the development of Olympus Drive in the early 1990s, Bench Road was made into a cul-de-sac just south of the school to alleviate the large volume of traffic the school generated. Thus, the current sign is in a location that is not easily seen.

B. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests an exception.

The high school currently has a sign that meets the standards but is difficult to see due to the closing of Bench Road. The applicant is proposing to remove the current sign and place another sign at the intersection of Fairway and Bench that will be much more visible.

C. The circumstances surrounding the request shall be extraordinary as related to the applicant's land and the reasonable use thereof.

The high school sits on a dead end of Bench Road making the circumstances surrounding the school extraordinary. When the school was built, and the original sign installed, Bench Road was a through street and the sign was in a good location for that. Now that Bench Road is a dead end, the only way to see the current sign is to drive directly in front of the school. A sign at the intersection of Fairway and Bench would be an improved location.

D. The applicant should show that, absent an exception, no reasonable identification of the subject land remains.

There currently is reasonable identification for the property but does not provide the visibility for which the applicant is seeking.

E. The applicant for an exception shall show how the proposed exception has been designed to minimize adverse effects on adjoining land.

The requested sign is to be back lit. However, only the letters and the ram will be illuminated and the LED portion will be turned off between 9:30 pm and 6:30 am (Municipal Code 15.20.180(C) and 15.20.180(A)(5). This will help minimize adverse affects on the adjoining land.

F. The proposal must be in conformance with the purpose set forth in this chapter.

Section 15.20.010 lists the purpose of the sign code is to protect and enhance the physical appearance of the community, reserve scenic and natural beauty, provide an enjoyable and pleasing community, protect property values, and create an attractive economic and business climate. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to safety hazards. This proposal appears to comply with the intent set forth in this chapter.

IV. CONCLUSIONS AND DECISION

Based on the review of the application, staff analysis, site visit, and public comment, it is the opinion of the Hearing Examiner that the application for a Sign Exemption (SE16-) request meets the requirements as set forth in municipal code and ordinances. As Hearing Examiner, I hereby approve the Sign Exemption based on the following conditions:

1. With an internally illuminated sign, the background shall be opaque with only the message illuminated (Municipal Code 15.20.180(C)).

2. The electronic reader board shall be turned off between the hours of 9:30 pm and 6:30 am (Municipal Code 15.20.180(A)(5)).
3. Existing pole sign and reader board shall be removed.
4. Sign shall not impede sight distance and sight triangle at intersection. Location of sign should be approved in writing by City Engineer prior to installation.
5. No additional signs shall be permitted on this building without going through the sign exception process.

RESPECTFULLY SUBMITTED this 30th day of August 2016,

James P. Mullen, P.E.
Hearing Examiner

Hearing Examiner's Report
SE16-1678
1921 Hurley Drive
Teton Honda

DATE:	August 25, 2016
APPLICANT/OWNER NAME:	Teton Honda/David Lee
MAILING ADDRESS:	275 S. 5th Avenue, Pocatello, ID 83201
LOCATION OF REQUEST:	1921 Hurley Drive, Pocatello, Idaho
LEGAL DESCRIPTION:	NA
TYPE OF REQUEST:	Sign Exemption

I. REQUEST

Teton Honda, represented by David Lee of YESCO (mailing address: 275 S. 5th Avenue, Pocatello, ID 83201), requests a sign exception to install a 60 foot tall sign that is 191.3 square feet at 1921 Hurley Drive. The business is located within a Commercial General zoning district which allows one pole sign that is 20 feet tall per street frontage. Municipal Code 15.20.190(C)(5) allows one highway pole sign up to 60 feet in height within 1,000 feet of an on/off interstate ramp if at least 50% of that parcel lies within a 1,000 foot radius. The sign must be set back at least 25 feet from any property line.

FINDINGS OF FACT

1. The Hearing Examiner stated that there was no ex-parte communication regarding this request.

2. The Hearing Examiner disclosed that he visited the site prior to the Public Hearing to observe the physical character and relationships to the subject property.

3. Staff Analysis: Terri Neu, Assistant Planner, presented the staff report.

- The subject site is located at 1921 Hurley Drive.
- The requested sign is proposed to be placed at the northwest corner of the property.
- The business is allowed a combination of wall signs and one pole or monument sign up to 20 feet in height.
- Applicant has been approved for a 15 foot tall pole sign on Hurley Drive that is 100 square feet and 160.85 square feet of wall signage.
- The proposed pole sign is 60 feet tall with 191.3 square feet of signage.
- 15.20.190.C.5. Highway Pole Signs: One pole sign up to sixty feet (60') in height may be erected within one thousand feet (1,000') of an on/off interstate ramp intersection on any parcel of land if at least fifty percent (50%) of that parcel lies within that one thousand foot (1,000') radius. The sign must be set back at least twenty five feet (25') from any property line and at least fifty feet (50') from any residential, RCP, or NC zoning district boundary. No reduction in sign face size shall be required for these signs.

4. Public Input.

   - Notice of this application was mailed to adjoining property owners and tenants on July 26, 2016 and August 11, 2016.

   - No comments were received prior to the hearing.

5. Comments from the Public

   - Public Hearing: A noticed Public Hearing on this request was conducted on August 25, 2016 in the City Council Chambers.

   - The Public Hearing was opened at approximately 5:48 PM.

   - Several comments were received in favor of the sign exemption.

   - Correspondence from the Public.

     - No additional written correspondence was received from the Public.

     - The Public Hearing was closed at approximately 5:59 PM.

6. Hearing Examiner noted that the written decision would be available to the public by noon on August 30, 2016. If the applicant and/or other affected persons (according to the provisions of Idaho Code Section 67-6521) do not agree with the decision of the Hearing Examiner, they have ten (10) days from the date of the Hearing Examiner decision to appeal in writing to the City Council. At that time, additional fees may be

required and a new timeline may be established for the City Council consideration of the appeal.

II. MUNICIPAL CODE/COMPREHENSIVE PLAN APPLICABLE TO ISSUANCE OF A SIGN EXEMPTION, HEARING EXAMINER FINDINGS.

MUNICIPAL CODE/COMPREHENSIVE PLAN - Municipal Code Section 15.20.190 governs signs in Commercial General zoning districts and Municipal Code Sections 15.20.250 and 15.20.260 outlines the requirements for sign exceptions.

The following Comprehensive Plan goal(s) and objective(s) are applicable to this application:

Community Design Goal 1. Improve the physical image of the city.
Objective 1.2. Regulate the use of signs to enhance public safety and aesthetic character.

III. SIGN EXEMPTION FINDINGS

Findings regarding compliance with standards for a Sign Exception (Section 15.20.260) are listed below:

A. An exception sought should be the result of unique physical characteristics of the site in question.

The site does not appear to have any unique physical characteristics that would require a 60 foot tall sign. Testimony was provided that the finished floor of the dealership is 15 feet lower than the commercial buildings to the west.

B. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests an exception.

City staff indicated that a sign that meets the ordinance has been approved.

C. The circumstances surrounding the request shall be extraordinary as related to the applicant's land and the reasonable use thereof.

It is apparent that 50% of the applicant's land is not within the 1,000 foot radius requirement of outlined in the ordinance. However, based on a measurement on Google earth by this Hearing Examiner, it appears that the proposed sign location would fall within the 1,000 foot radius from the eastern most point of the eastbound on ramp.

Applicant further requests that the sign be placed on the northwest corner of the site to facilitate circulation around the facility.

D. The applicant should show that, absent an exception, no reasonable identification of the subject land remains.

Testimony was provided that without the sign exemption, it would be difficult for passing motorists to identify and locate the dealership.

E. The applicant for an exception shall show how the proposed exception has been designed to minimize adverse affects on adjoining land.

Applicant indicates that adjacent properties are allowed the same sign requested by Applicant and would not be adversely affected by sign.

F. The proposal must be in conformance with the purpose set forth in this chapter.

Section 15.20.010 lists the purpose of the sign code is to protect and enhance the physical appearance of the community, reserve scenic and natural beauty, provide an enjoyable and pleasing community, protect property values, and create an attractive economic and business climate. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to safety hazards.

IV. CONCLUSIONS AND DECISION

Based on the review of the application, staff analysis, site visit, and public comment, it is the opinion of the Hearing Examiner that the application for a Sign Exemption (SE16-1763) request satisfies the requirements as set forth in municipal code and ordinances. As Hearing Examiner, I hereby approve the Sign Exemption as requested.

RESPECTFULLY SUBMITTED this 30th day of August 2016,

James P. Mullen, P.E.
Hearing Examiner